

SUMMARY: After the death of Oxford's second wife, Elizabeth de Vere, Countess of Oxford, administration was granted on 13 January 1613 to her son, Henry de Vere, 18th Earl of Oxford, then still underage, contrary to the provisions of the Countess' will (see PROB 11/121, ff.74-5v). The executors named in the will, Sir Edward More, Francis Trentham and John Wright, challenged the grant of administration to Henry de Vere, and by the judicial sentence of 26 June 1613 below the Countess' will was confirmed, and administration granted to Sir Edward More, Francis Trentham and John Wright.

LM: Sentencia pro confirmatione testamenti Elizabethae nuper comitisse Oxonie defuncte

1 In dei nomine amen. Auditis visis intellectis ac

2 plenarie et Mature discussis per nos Iohannem Bennett militem et

3 legum Doctorem Curie Prerogatiue Cantuariensis Magistrum Custodem siue commissa

4 rium legitime deputatum Meritis et Circumstantijs cuiusdam Negotij testamentarij

5 Honorande ffemine Domine Elizabethae nuper comitisse Dowager Oxonie vidue

6 Defuncte quod coram nobis in Iudicio inter Edwardum Moore militem ffranciscum

7 Trentham et Iohannem wright Armigeros Executores Testamenti dicte defuncte

8 partes huiusmodi negotium promoventes ex vna et Willelmum Milbury notarium publicum

9 Curatorem ad lites Honorandi viri domini Henrici Comitiss Oxonie filij naturalis

10 et legitime dicte defuncte in specie ac omnes et singulos alios ius titulum aut interessem

11 in testamento vel bonis iuribus aut creditis dicte defuncte habentes seu habere pretendentes in generale

12 partes contra quas huiusmodi negotio promovetur partibus ex altera vertitur et pendet

13 indecisum rite et legitime procedentes partibus predictis coram nobis in Iudicio legitime com

14 parentibus Parteque dictorum Edwardi Moore militis ffrancisci Trentham et Iohannis Wright

15 executorum ante dictorum sententiam ferri et Iustitiam fieri pro parte sua dictoque Willelimo

16 Milburie iustitiam etiam pro parte sua instanter respectiue postulanti et petenti

17 Rimatoque primitus per nos toto et integro processu Coram nobis in huiusmodi negotio

18 inter partes predictas habito et facto atque diligenter recensis servatisque per nos

19 De iure in hac parte servandis ad nostre Sententie diffinitive siue nostri finalis decreti prolacionem

20 in huiusmodi Negotio ferendam sic duximus procedendum fore et procedimus in hunc qui

21 sequitur modum Quia per acta inactata deducta allegata exhibita proposita probata

22 pariter et confessata in huiusmodi negotio comperimus luculenter et invenimus partem

23 prefatorum Edwardi Moore militis ffrancisci Trentham et Iohannis Wright executoribus

24 antedictorum intencionem suam in quibusdam allegacione et testamento alias coram nobis

25 in huiusmodi negotio datis et exhibitis ac penes Registrum huius Curie remanentibus deductam

26 que quidem allegacionem et testamentum pro hic lecta et inserta habemus et haberi volumus

27 sufficienter et ad plenum quoad hic inferius pronuncianda fundasse pariter et probasse

28 nihilque ex parte aut per partem dicti Willelimi Malburie Curatoris predicti

29 vel alterius Cuiuscumque in hac parte exceptum Deductum allegatum exhibitum propo

30 situm probatum aut confessataum [sic] fuisse aut esse quod intencionem Dictorum Edwardi

31 Moore militis ffrancisci Trentham et Iohannis Wright armigerorum in hac parte elideret seu

32 quomodolibet enervaret Idcirco nos Iohannes Bennett miles et legum doctor et Iudex

33 et Commissarius antedictus Xpi nomine primitus invocato ac ipsum solumi [sic] Deum oculis Nostris

34 Preponentes et habentes ac de et cum consilio Iurisperitorum cum quibus in hac parte

35 comunicavimis [sic] prefatam Honorandam feminam Dominam Elizabetham nuper comi

36 tissam dowager Oxonie defunctam dum vixit mentis Compotem et in sua sana et

37 perfecta memoria existentem testamentum suum siue vltimam eius voluntatem ex

38 parte Dictorum Executorum in huiusmodi negotio et in hoc iudicio (vt prefertur exhibitum

39 et penes Registrum huius Curie remanens quod quidem testamentum pro hic lecto et inserto

40 habemus et haberi volumus rite et legitime condidisse ferisse et declarasse ac prefatos

41 Edwardum Moore militem ffraunciscum Trentham et Iohannem Wright armigeros dicti sui testamenti

42 siue vltime voluntatis predictos executores nominasse fecisse et constituisse Ceteraque voluisse

43 legasse Dedisse reliquisse et disposuisse in omnibus et per omnia provt in dicto

44 testamento vt prefertur exhibitio continetur proque viribus valore et validitate

45 testamenti predicti iuxta probaciones legitimas coram nobis in huiusmodi negotio habitas

46 et factas ad omnem Iuris effectum pronunciamus decernimus et declaramus Necnon huiusmodi

47 testamentum siue vltimam voluntatem ac probacionem approbacionem et insinuationem

48 eiusdem alias in communi forma habitam et factam ad omnem iuris effectum approbamus ratifica

49 mus et confirmamus per hanc nostram Sententiam diffinitivam siue hoc nostrum finali decretum

50 quam siue quod ferimus et promulgamus in Hijs scriptis

[=Judicial sentence for the confirmation of the testament of Elizabeth, late Countess of Oxford, deceased.

In the name of God, Amen. We, John Bennett, knight, Doctor of the Laws, lawfully deputed Master, Keeper or Commissary of the Prerogative Court of Canterbury, having heard, seen and understood, and fully and in a timely manner investigated the merits and circumstances of a certain testamentary matter of the honourable Lady Elizabeth, late Countess of Oxford, widow, deceased, which before us in trial between Edward More, knight, Francis Trentham and John Wright, esquires, executors of the testament of the said deceased, the parties moving this matter, on the one hand, and William Milbury, notary public, guardian ad litem of the honourable Lord Henry, Earl of Oxford, natural and legitimate son of the said deceased, in particular, and all and singular others having or pretending to have right, title or interest generally in the testament or the goods, rights or credits of the said deceased, the parties against whom the same matter is moved by the parties on the other hand, being considered and pending undecided, duly and lawfully proceeding by the foresaid parties lawfully appearing before us in trial, and the party of the said Edward More, knight, Francis Trentham and John Wright, the aforesaid executors [+earnestly demanding and petitioning] sentence to be pronounced and justice to be done for their party, and the said William Milbury also respectively earnestly demanding and petitioning justice for his party, and we having first examined the whole and entire process before us in the same matter between the foresaid parties had and made, and having carefully reviewed and paid heed to the law in that regard to be considered in the pronouncement of our definitive sentence or our final decree to be made in this matter, we have thus thought fit to proceed, and we do proceed in this manner which follows:

That by the things enacted, dealt with, alleged, exhibited, proposed, proved and also confessed in the same matter we well find and discover the party of the forenamed Edward More, knight, Francis Trentham and John Wright, the aforesaid executors, their intention dealt with in a certain allegation and proof at another time before us in this matter given and exhibited and remaining in the possession of the register of this Court, which certain allegation and proof, here read and inserted, we hold and we wish to hold sufficiently and at full to have been in like manner established and proved, as here below to be pronounced, and nothing on the part or on the behalf of the said William Milbury, guardian aforesaid, or any other whatsoever in this regard having been or to be excepted, dealt with, alleged, exhibited, proposed, proved or confessed that in this regard might counter or in any way weaken the intention of the said Edward More, knight, Francis Trentham and John Wrights, esquires, for that reason we, John Bennett, knight and Doctor of the Laws, Judge and Commissary aforesaid, first having invoked the name of Christ, and placing and having God alone before our eyes, and by and with the advice of those skilled in the law with whom in this regard we have conferred, do pronounce, decree and declare [+that] the forenamed honourable Lady Elizabeth, late Countess Dowager of Oxford, deceased, while she lived, being compos mentis and in her sound and perfect memory, [+made] her testament or her last will on the part of the said executors in the

same matter and in this trial (as is mentioned previously) exhibited and remaining in the registry of this court, which certain testament, here read and inserted, we hold and wish to hold duly and lawfully composed, made and declared, and she appointed, made and constituted the forenamed Edward More, knight, Francis Trentham and John Wright, esquires, her foresaid executors of her said testament or last will and other things willed, bequeathed, given, left and disposed in all and every part thereof, as in the said testament exhibited is contained, as is mentioned previously, and [+we do pronounce] for the strength, force and validity of the foresaid testament according to the lawful proofs before us in the same matter had and made to all effect of law, and we do also approve, ratify and confirm such testament or last will and the probate, proof and registration of the same at another time in common form had and made to all effect of law by this our definitive judicial sentence or this our final decree, which we pronounce and publish in these writings.

1 Lecta lata et promulgata fuit hec sententia

2 Diffinitiva per Dictum Iohannem Bennet militem et legum Doctorem Curie

3 Prerogatiue Cantuariensis Magistrum Custodem siue Comissarium legitime Constitutum secundo

4 Die Iuridico post festum natiuitatis sancti Iohannis Baptiste die Sabbati vicesimo

5 sexto videlicet(?) die Mensis Iunij Anno domini millesimo sexcentesimo decimo tertio in loco consistoriali

6 infra Ecclesiam Chathedralem [sic?] divini Pauli London iudicialiter et pro tribunale sedenti ad petitionem

7 Thome Geres notarij publici Procuratoris dictorum Edwardi Moore militis ffrancisci

8 Trentham et Iohannis Wright ac in presentia Willelmimi Milburie notarij publici procuratoris

9 per curatores ad lites dicti Honorandi viri domini Henrici Comitis Oxonie Super Cuius

10 Sententie prolacione Dictus Geares requisiiuit me Iohannem Lawe notarium publicum tunc

11 presentem ad conficiendum sibi vnum vel plura instrumenta publica ac testes etcetera presentibus tunc

12 et ibidem Magistris Iohanne Hone Iohanne Amy Willelimi [sic?] Bird et Thoma Talbot

13 legum doctoribus Iohanne Burrough Thoma Ward Richardo Goodall et Allexandro

14 Serle notarijs publicis dicte Curie procuratoribus testibus &c. Examinatus

[=This definitive sentence read, allowed and published by the said John Bennett, knight and Doctor of the Laws, lawfully constituted Master, Keeper or Commissary of the Prerogative Court of Canterbury on the second lawful day for business after the feast of the Nativity of Saint John the Baptist on Saturday the twenty-sixth, namely on the day of the month of June in the year of the Lord the thousand six hundred thirteenth in the consistorial place within the Cathedral Church of St Paul, London, judicially and before a tribunal sitting at the petition of Thomas Geres, notary public, proctor of the said Edward More, knight, Francis Trentham and John Wright, and in the presence of William Milbury, notary public, proctor by guardians ad litem of the said honourable Lord Henry, Earl of Oxford, upon the pronouncement of which sentence the said Geres requested me, John Lawe, notary public, then present, to make ready for him one or more public instruments and witnesses etc. from those then and there present, Masters John Hone, John Amy, William Bird and Thomas Talbot, Doctors of the Law, John Burrough, Thomas Ward, Richard Goodall and Alexander Serle, notaries public, proctors of the said Court, witnesses etc. Examined.]